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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JUL 14 AM 10:45

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Yesenia Esther MENDOZA-Gomez,

Defendant.

Magistrate Case No. _____

DEPUTY

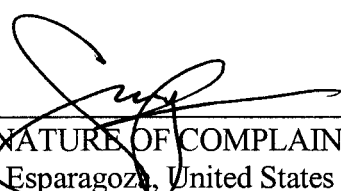
COMPLAINT FOR VIOLATION OFTitle 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien(s)
Without Presentation

'08 MJ 2138

The undersigned complainant being duly sworn states:

On or about **July 12, 2008**, within the Southern District of California, defendant, **Yesenia Esther MENDOZA-Gomez** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Margarita MIRANDA-Morales AKA: Margarita CORONA-Miranda**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 Sara Esparagoza, United States Customs
 and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **14th** DAY OF
JULY, 2008.


 UNITED STATES MAGISTRATE JUDGE

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Eric M. Velazquez, declare under penalty of perjury the following to be true and correct:

The complainant states that **Margarita MIRANDA-Morales (AKA: Margarita CORONA-Miranda)**, is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material, that it is impracticable to secure her attendance at the trial thereof by subpoena; and is the material witnesses in relation to this criminal charge and should be held or admitted to bail as prescribed in Title 18, United States Code, Section 3144.

On July 12, 2008 at about 0129 hours, Yesenia Esther MENDOZA-Gomez (Defendant) applied for entry into the United States from Mexico through the San Ysidro Port of Entry. Defendant was the driver and sole visible occupant of a red 1996 Ford Windstar. Defendant presented her lawfully issued United States passport as proof of admissibility to a Customs and Border Protection (CBP) Officer. Defendant gave a negative Customs declaration to the CBP Officer. Defendant stated she was going home to San Ysidro, California. Defendant stated the vehicle she was driving belonged to her grandmother. The CBP Officer requested the vehicle's registration and noticed the registered owner was a male. The CBP Officer requested the vehicle's keys from Defendant to open the rear hatch door but was unable to open it. The CBP Officer elected to refer Defendant and the vehicle to secondary for further inspection.


In secondary a Canine Enforcement Officer (CEO) screened the vehicle with his assigned Narcotic/Human Detection Dog. The service canine alerted to the vehicle's driver side wall. Defendant was handcuffed and escorted to the security office. A CBP Officer inspected the vehicle and discovered a Hispanic female concealed in a non-factory compartment in the vehicle's driver side wall. The Hispanic female, later identified as **Margarita MIRANDA-Morales (AKA: Margarita CORONA-Miranda)**, admitted being a citizen of Mexico with no documents to enter or reside in the United States. **Margarita MIRANDA-Morales** is now identified as the Material Witness (MW) in the case.

During a videotaped proceeding, Defendant was advised of her Miranda Rights. Defendant acknowledged her rights and elected to answer questions without an attorney present. Defendant admitted knowledge of the smuggled alien. Defendant admitted she was to receive \$2,000.00 (USD) for the smuggling act. Defendant admitted being present when the alien was concealed in the vehicle. Defendant denied assisting in the concealment of the alien. Defendant admitted she had contact with the concealed alien as she operated the vehicle and admitted to instructing the alien not to move. Defendant admitted she was to notify the smuggler, whom she identified as Pablo, once she crossed the border to obtain instructions on where to deliver the vehicle and alien. Defendant admitted knowing alien smuggling is against the law.

During a videotaped proceeding, MW admitted being a citizen of Mexico with no documents to enter or reside in the United States. MW admitted she was to go to Corcoran, California to reunite with her children. MW admitted she was to pay \$5,000.00 (USD) to be smuggled into the United States.

Continuation of Probable Cause Statement
United States vs. Yesenia Esther MENDOZA-Gomez

EXECUTED ON THIS 12TH DAY OF JULY 2008 AT 10:00 AM.


Eric M. Velazquez / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of ³(1) page(s), I find probable cause to believe that the defendant named therein committed the offense on **July 12, 2008** in violation of Title 8, United States Code, Section 1324.


MAGISTRATE JUDGE

7/12/08 @ 10:00 AM
DATE / TIME